

10-01-01

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PTO/SB/05 (08-00)

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

Bayer 10,139.4-KGB

First Inventor

THOMAS KRAHN ET AL.

Title

MASKING BACKGROUND  
FLUORESCENCE AND  
LUMINESCENCE IN OPTICAL  
ANALYSIS OF BIOMEDICAL ASSAYS

Express Mail Label No.

EL 867734858 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g. PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 14]  
(Preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Detailed Description of the Drawings (if filed)
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 10]
5. ☒ Oath or Declaration [Total Pages 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(For continuation/divisional with Box 17 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed Statement attached deleting inventor(s)  
Named in the prior application, see 37 CFR 1.63 (d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission  
(If applicable, all necessary)
  - a. ☐ Computer Readable Forms (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

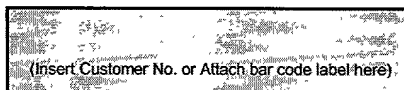
9. ☐ Assignment Paper (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(When there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of 4 IDS Citations  
Statement (IDS)/PTO-1449
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(If foreign priority is claimed)
16. ☒ Other Appendix

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/194,099  
Prior application information: Examiner P. Do Group / Art Unit: 1641

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

☐ Customer Number or bar Code Labelor ☐ Correspondence address below

|                   |   |           |                                   |                    |             |
|-------------------|---|-----------|-----------------------------------|--------------------|-------------|
| Name              | Kurt G. Briscoe   |           |                                   |                    |             |
| Address           | Norris McLaughlin & Marcus, P.A.                          |           |                                   |                    |             |
|                   | 220 East 42 <sup>nd</sup> Street - 30 <sup>th</sup> Floor |           |                                   |                    |             |
| City              | New York  | State     | New York                          | Zip Code           | 10017       |
| Country           | USA   | Telephone | 212-808-0700                      | Fax                | 212-808-084 |
| Name (Print/Type) | Kurt G. Briscoe   |           | Registration No. (Attorney/Agent) | 33,141             |             |
| Signature         |   |           | Date                              | September 28, 2001 |             |

09/28/01  
JC929 U.S. PTO

09/28/01 09/28/01

09/28/01  
JC821 U.S. PTO  
09/966137

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

**Complete if Known**

|                      |                             |
|----------------------|-----------------------------|
| Application Number   | Divisional of SN 09/194,099 |
| Filing Date          | Herewith                    |
| First Named Inventor | THOMAS KRAHN et al.         |
| Examiner Name        | To be assigned              |
| Group Art Unit       | To be assigned              |
| Attorney Docket No.  | Bayer 10,139.4-KGB          |

**TOTAL AMOUNT OF PAYMENT****\$1,576.00****METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

14-1263

Deposit  
Account  
Name

Norris McLaughlin &amp; Marcus

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR §§ 1.16 and 1.17

☐ Applicant claims small entity status.  
See 37 CFR § 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 101      | 710      | 201      | 355      | Utility filing fee     | 710.00   |
| 106      | 320      | 206      | 160      | Design filing fee      |          |
| 107      | 490      | 207      | 245      | Plant filing fee       |          |
| 108      | 710      | 208      | 355      | Reissue filing fee     |          |
| 114      | 150      | 214      | 75       | Provisional filing fee |          |

SUBTOTAL (1) **\$710.00****2. EXTRA CLAIM FEES**

| Total Claims       |         | Extra Claims       |   | Fee from below |   | Fee Paid |  |
|--------------------|---------|--------------------|---|----------------|---|----------|--|
| 37                 | -20** = | 17                 | X | 18.00          | = | 306.00   |  |
| 10                 | -3** =  | 7                  | X | 80.00          | = | 560.00   |  |
| Independent Claims |         | Multiple Dependent |   |                |   |          |  |

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  |
|----------|----------|----------|----------|--|
| 103      | 18       | 203      | 9        | Claims in excess of 20                                     |
| 102      | 80       | 202      | 40       | Independent claims in excess of 3                          |
| 104      | 270      | 204      | 135      | Multiple dependent claim, if not paid                      |
| 109      | 80       | 209      | 40       | ** Reissue independent claims over original patent         |
| 110      | 18       | 210      | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) **\$866.00**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 105      | 130      | 205      | 65       | Surcharge - late filing fee or oath  |          |
| 127      | 50       | 227      | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139      | 130      | 139      | 130      | Non - English specification  |          |
| 147      | 2,520    | 147      | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112      | 920*     | 112      | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 113      | 1,840*   | 113      | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 115      | 110      | 215      | 55       | Extension for reply within first month                                     |          |
| 116      | 390      | 216      | 195      | Extension for reply within second month                                    |          |
| 117      | 890      | 217      | 445      | Extension for reply within third month                                     |          |
| 118      | 1,390    | 218      | 695      | Extension for reply within fourth month                                    |          |
| 128      | 1,890    | 228      | 945      | Extension for reply within fifth month                                     |          |
| 119      | 310      | 219      | 155      | Notice of Appeal   |          |
| 120      | 310      | 220      | 155      | Filing a brief in support of an appeal                                     |          |
| 121      | 270      | 221      | 135      | Request for oral hearing   |          |
| 138      | 1,510    | 138      | 1,510    | Petition to institute a public use proceeding                              |          |
| 140      | 110      | 240      | 55       | Petition to revive - unavoidable   |          |
| 141      | 1,240    | 241      | 620      | Petition to revive - unintentional   |          |
| 142      | 1,240    | 242      | 620      | Utility issue fee (or reissue)   |          |
| 143      | 440      | 243      | 220      | Design issue fee   |          |
| 144      | 600      | 244      | 300      | Plant issue fee  |          |
| 122      | 130      | 122      | 130      | Petitions to the Commissioner  |          |
| 123      | 50       | 123      | 50       | Processing fee under 37 CFR § 1.17(q)                                      |          |
| 126      | 180      | 126      | 180      | Submission of Information Disclosure Statement                             |          |
| 581      | 40       | 581      | 40       | Recording each patent assignment per property (times number of properties) |          |
| 146      | 710      | 246      | 355      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149      | 710      | 249      | 355      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179      | 710      | 279      | 355      | Request for Continued Examination (RCE)                                    |          |
| 169      | 900      | 169      | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

**\$0.00****SUBMITTED BY**Name (Print/Type) **KURT G. BRISCOE**Registration No.  
(Attorney/Agent)

33,141

**Complete (if applicable)**

Telephone

212-808-0700

Signature

Date

September 28, 2001

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**CERTIFICATE OF MAILING BY EXPRESS MAIL (37 CFR 1.10)**

Express Mail Label No.: EL 867734858 US

Date of Deposit: September 28, 2001

I hereby certify that the following items:

1. Utility Patent Application Transmittal
2. Fee Transmittal (in duplicate)
3. Appendix
4. Specification (pp. 1-11), Claims (pp. 12-13), Abstract (p. 14)
5. 10 sheets of drawings
6. Combined Declaration and Power of Attorney (2 pages)
7. Preliminary Amendment
8. Information Disclosure Statement with Form PTO-1449 and 4 references

and this Certificate of Mailing by Express Mail are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above in an envelope addressed to: Box PATENT APPLICATION, Commissioner of Patents, Washington, D.C. 20231.

NORRIS McLAUGHLIN & MARCUS, P.A.

By: 

220 East 42<sup>nd</sup> Street - 30<sup>th</sup> Floor  
New York, New York 10017  
(212) 808-0700

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